

FREMONT PLANNING BOARD

July 12, 2006

Meeting Minutes

Approved July 19, 2006

Present: Chairman Larry Stilwell, Selectmen's Rep. Peter Bolduc, Members Leon Holmes, Member and CC Rep. Jack Karcz, Alternates Roger Barham and Dan Daley, Building Official Thom Roy and Land Use AA Meredith Bolduc.

Mr. Stilwell called the meeting to order at 7:30 p.m.

Mr. Stilwell appointed Alternates Barham and Daley as voting members of the Board for tonight's meeting.

ERIN MICHAUD
Map 2 Lot 156.1-21

PUBLIC HEARING
Subdivision

Present: Owner Jim Michaud and Project Engineer Paul Blanc of Jones & Beach Engineering

Mr. Stilwell opened this Public Hearing at 8:00 pm and stated that this is a continuation of the May 17, 2006 Public Hearing which was continued to allow time for the applicant to address all outstanding zoning issues. He noted that all abutters certified returns have been received.

Plan # 05085 drawn by Jones & Beach Engineering and dated October 6, 2005 with revisions on October 26, 2005, March 15, April 20, April 28 and June 6, 2006 was presented by Mr. Blanc and reviewed by the Board.

Comment sheets were received from:

Health Officer Trudie Butler = *No problem*

Fire Chief Heselton = *Have no comment. Driveway distance- hammerhead?*

Code Enforcement Officer = *No comment*

Conservation Commission = *No comment*

The Board received a June 20, 2006 notice of Zoning Board of Adjustment decision for Equitable Waivers granted to Map 2 Lot 156.1.21 for the following:

1. Article IX Sections F-1 & F-2, to allow an existing waste disposal system (septic) to remain in it's current location closer than one hundred (100') feet, but no closer than fifty (50) feet to a wetland and a watershed protection area;
2. Article IX Section F-4 to allow an existing shed to remain in its current location closer than one hundred (100') feet, but no closer than forty (40) feet to a wetland and watershed protection area.

3. Article IX Section F-4 to allow an existing house to remain in its current location closer than one hundred (100') feet, but no closer than seventy five (75) feet to a wetland and watershed protection area.
- Condition:

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1. That all Equitable Waivers granted herein pertain to the existing buildings and waste disposal system only and do not extend to any additional improvements of same.

It was agreed that the application is complete and Mr. Bolduc made the motion that the Board accept the plan and take jurisdiction over the application.

Motion seconded by Mr. Holmes with unanimous favorable vote.

The 65 day clock begins on this date and ends on September 15, 2006.

The Board received a June 27, 2006 correspondence from Mr. Blanc addressing RPC Circuit Rider David West May 17, 2006 report comments as follows:

Comment #2 General Requirements, Art III Sec 1 = Equitable waiver has been approved;

Comment #3 Existing Conditions, Art III Sec 3 = (D) the total area used on the original parcel is .069 acres on sheet A1 (G) requested waiver (L) HISS mapping has been added to the plan:

Comment #4 Proposed Site Conditions Art III Sec 4 = (A) added as note # 14 to sheet A1 of the plan set (B) added as note #13 to sheet A1 of the plan set (L) added as note # 12 to sheet A1 of the plan set (M) shown on sheet C1 of the plan set.

Comment #5 Sewage Disposal and Water Supply Art III Sec 6 = (B) requested waiver (C-1) requested waiver (C-2) submitted

Comment #6 Art III Sec 10.02 = (F-2) The proposed driveway has the required site distance (photos submitted)

The Board received a July 12, 2006 report from RPC Circuit Rider David West stating that he has reviewed the subdivision plan for Lot 156-1-21 (Map 2) located on Andreski Drive, dated 10/26/05, revised to 6/06/06 and his second review of the subdivision plan has generated the following comments:

1. **General Comments.**

- At this point the Applicant has addressed all of the comments in my original memo dated May 17, 2006. The issues have been addressed through notes being added to the plan or waivers being requested. The waiver request letter dated June 27, 2006 will need to be addressed by the Board. I have no issues with any of the requested waivers. The waivers dealing with the septic system stem from the granting of an equitable waiver of dimensional requirement being granted by the ZBA on June 20, 2006. All of the aspects of the new septic system meet the requirements of Fremont Ordinances and regulations.

(see file for all reports and correspondences)

After careful review by the Board Mr. Holmes made the motion to approve the following requested waivers:

Article III Section 2B – Professional Standards

Article III Section 3G – Shape, size, height, location and use of all existing structures within 200 feet of the site.

Article III Section 4S (1) - Calculations relating to stormwater runoff, information on the composition and quantity of wastewater generated, information on air, water, or land pollutants discharged, estimates of traffic generation, grading drainage and erosion and sediment control plan.

Article III Section 6B2 – The entire well radius shall be located within the boundaries of each newly created lot.

Article III Section 6C (1) – Sewage- Minimum standards

Article III Section 6C (2) – 2 test pits (for the existing lot only) per lot, 50' apart

Motion seconded by Mr. Karcz with unanimous favorable vote.

Mr. Blanc requested that the Board conditionally approval the subdivision, pending the receipt of State Subdivision

Approval.

The area of the driveway was discussed relative to sloping and potential runoff, and it was agreed that a culvert may be needed at the driveway right-of-way.

Mr. Holmes made the motion that, based on the information presented and pursuant to plan # 05085 drawn by Jones & Beach Engineering and dated October 6, 2005 with revisions on October 26, 2005, March 15, April 20, April 28 and June 6, 2006, the Fremont Planning Board approve the requested two (2) lot, single family residential subdivision for Erin Michaud for Map 2 Lot 156.1-21, including all approved waivers, with the following conditions.

1. State of NH Subdivision Approval number be added as a note on the plan
2. All conditions to be completed within forty five (45) days of this approval date

Motion seconded by Mr. Karcz with unanimous favorable vote.

It was noted that 45 days from this date will be August 26, 2006.

Mr. Holmes made the motion to close this Public Hearing at 8:30 pm.

Motion seconded by Mr. Karcz with unanimous favorable vote.

SHAWN SENTER
Map 3 Lot 169-59-18

PUBLIC HEARING
SUBDIVISION

Present: Owner Shawn Senter and Surveyor Richard Ladd of RSL Layout & Design

Mr. Stilwell opened this Public Hearing for Shawn & Kim Senter at 8:35 pm and stated that this is a continuation of the June 7, 2006 portion of this Public Hearing, which was continued to allow time for the applicant to address all outstanding issues raised by the Board, RPC Circuit Rider David West and Town Engineer Lou Caron and acquire their amended reports.

Mr. Stilwell noted that jurisdiction over this plan was taken on May 24, 2006 so the 65 day window ends on July 28, 2006.

Mr. Stilwell noted that the Board has received a note from the Fire Chief explaining that when he filled out the comment sheet he did not know the number of houses in the subdivision. He stated that Mr. Senter does not need water supplies, but he would still want input on the length of driveways.

The NHDES Approval For Subdivision # SA2006007148 was received.

The Board received a July 11, 2006 report correspondence from Town Engineer Lou Caron stating that he received the revised subdivision plans for the Shawn Senter Subdivision on Map 3, Lot 169-59-18 and based on those plans he is satisfied with the roadway and drainage design. He recommend that the original stamps and signatures of the

various responsible professionals, including the land surveyor, professional engineer, soil and wetland scientist be included in the final, approved plans. Mr. Caron added that "there are a few minor deviations from the Town typical roadway cross section which have been reviewed and found acceptable by this office and the Road Agent.

The proposed road and slope construction in the area of the project subject to the ZBA wetland setback Special Exception matches the plan layout shown to and approved by the ZBA.”

The Board received a July 12, 2006 report correspondence from RPC Circuit Rider David West stating that His review of the conceptual subdivision plan has generated the following comments:

2. **Zoning and General Comments.**

- (A) A proposed Lot Line Adjustment will follow the approval of this Subdivision to eliminate the western access.
- (B) A note on the Plan indicates that the Lot will not be resubdivided. Could this be added to the deeds as well?

3. **Required Exhibits: Specific Plan Requirements (Art III, Sec. 2).**

- The final plan will need signed stamps from all professionals who worked on the plan. This includes the Surveyor, Engineer, Soil Scientist and /or Wetland Scientist.

4. **Required Exhibits: Roadway Design Standards (Art III, Sec. 10.02).**

- The proposed road leading to the cul-de-sac is approximately 650 feet long. The Applicant will need a waiver from the Planning Board for this road to be longer than 600 feet.

(see file for all reports and correspondences)

Mr. Ladd presented plan #1347GPS drawn by RSL Layout & Design and dated January 27, 2006, with revisions on March 15, May 23, May 30, June 1, June 5 and July 10, 2006, for review by the Board.

To address items from the May 24, 2006 portion of this hearing, Mr. Ladd stated that note # 5 includes single family and duplex zoning requirements for building setbacks; note #10 states “See Special Exception case # 06-006 granted by the Fremont Zoning Board of Adjustment dated April 25, 2006 to allow the proposed road, to be known as Moose Meadow Drive, to be within the 100’ wetland protection zone with the provision that no portion of the roadway will be closer than 25’ to the flagged wetland”; there is a note at the location of the abandoned driveway that states “to be abandoned”; Note # 11 reads in part “to create 4 single family or duplex residential building lots”; Note # 12 reads “No future subdivision will be allowed on these lots”.

It was agreed previously agreed that notes will be added to both the subdivision plan and to the deeds which that would restrict further subdivision of the lots.

Waiver requests:

After careful review by the Board, Mr. Holmes made the motion to approve the following waivers as requested by the applicant.

1. SD Regulation Article 3 Section 10-02-R to the Town’s requirement that dead end roadways be limited to a maximum of 600’, exclusive of the cul-de-sac. Mr. Ladd noted that the road is actually 632.64’ in length.
2. SD Regulation Article 3 Section 10-02-R Table 1 to provide for a 225’ curve radius where the regulation states 250’. The Town Engineer agreed that the 225’ should work fine for this project.

Motion seconded by Mr. Daley with unanimous favorable vote.

There was a discussion relative to Article 4 Section 4K which states that “No subdivision plans may go to record

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before a bond is in place or the roadwork completed and utilities or other infrastructure are finished". Mr. Senter stated that he understood the road could either be bonded or built. Mr. Roy stated that this is true, but for the plan to be recorded, there must be a bond in place. The Moose Meadow Drive bond estimate from Lou Caron of LC Engineering dated March 19, 2006 is 1150' = \$197,334.00. Mr. Senter requested a 60 day timeframe for approval conditions to be completion and stated that he may need an extension for the road. Mr. Stilwell stated that an extension would be possible.

After careful consideration by the Board, Mr. Holmes made the motion that, based on the information presented and pursuant to plan #1347GPS drawn by RSL Layout & Design, dated January 27, 2006, with revisions on March 15, May 23, May 30, June 1, June 5 and July 10, 2006, the Planning Board approve the four (4) lot single family or duplex residential subdivision of Map 3 Lot 169-59-18, as requested by Shawn and Kim Senter, including all approved waivers, and with the following conditions:

1. Wetland Scientist stamp be added to the plan.
2. Posting of all bonds and escrows required of proposed road.
3. A note added to the plan that this project is subject to impact fees.
4. Correct note #5 to add the frontage requirement for a duplex.
5. All conditions to be met within sixty (60) days of the approval date.

Motion seconded by Mr. Bolduc seconded the motion with unanimous favorable vote.

Mr. Holmes made the motion to close this Public Hearing at 9:10 pm.

Motion seconded by Mr. Karcz with unanimous favorable vote

SHAWN SENTER
Map 3 Lot 169-59-18 & 169-59-09

PUBLIC MEETING
LOT LINE ADJUSTMENT

Present: Owner Shawn Senter and Surveyor Richard Ladd of RSL Layout & Design

Mr. Stilwell opened this Public Meeting for Shawn & Kim Senter at 9:10 pm and stated that this is a continuation of the June 7, 2006 portion of this Public Meeting, which was continued to allow time for the applicant to address all outstanding issues raised by the Board, RPC Circuit Rider David West and Town Engineer Lou Caron and acquire their amended reports.

There was a comment sheet received from the Fire Chief who had no comment. The Conservation Commission also offered no comment.

Mr. Ladd stated that he did not have the plan with him for this lot line adjustment. He apologized and asked for a continuance.

At 9:15 pm Mr. Holmes made the motion to continue this Public Hearing to 8:00 pm on July 19, 2006 to allow time for the applicant to address all of the issues.

Motion seconded by Mr. Karcz with unanimous favorable vote.

CAPITAL IMPROVEMENTS PROGRAM (CIP)

Mr. Stilwell reported that the Board has received a June 27, 2006 correspondence from Joe Dreyer, Chairman of the Fremont School Board, relative to planned capital improvements for the Fremont School District. Mr. Dreyer

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related that, based on a demographic study commissioned by the School Board in 2004, the Board does not foresee any significant capital projects until 2014. He added that based on the outcome of a vote to join with Sanborn Regional School District, the capital needs may change.

There was a general conversation relative to the capital costs relative to the school and it was agreed to contact Mr. Dreyer again to be sure that he understands that a capital expense could be anything \$5,000.00 or over.

There was a general conversation relative to the CIP and the required annual revisions.

Mr. Stilwell stated that there needs to be a detail or spreadsheet for the CIP to prioritize the projects.

The Board is still waiting for other Town departments to respond to the request for a capital expenses worksheet.

Mr. Stilwell stated that the legislature provided for the Planning Board to have the responsibility to do the CIP, but not the authority to make it happen. Therefore, if you have a CIP and a Master Plan you must keep the CIP updated yearly so that it cannot be challenged.

SUSAN BONAGURA

Map 1 Lot 084

The Board received and reviewed the mylars and final plans for the recently approved Bonagura subdivision, Map 1 Lot 084. It was determined that all conditions have now been met and the proper fees submitted.

The plans and mylars were signed and will be recorded at the Registry of Deeds within 3 business days.

RPC CIRCUIT RIDER CONTRACT

The Board reviewed the RPC Circuit Rider contract for the period of April 1, 2006 to March 31, 2007. The core services include attendance and travel time for 36 night meetings, ½ hour per week on general assistance and 4 added hours per month for the 9 months remaining in the budget period.

The contract has been signed by Fremont Selectman Gene Cordes and Assistant Director of the Planning Commission Glenn Greenwood. With the consensus of the Board, Mr. Stilwell signed the contract.

MINUTES

Mr. Barham made the motion to approve the June 21, 2006 minutes as written.

Motion seconded by Mr. Bolduc with unanimous favorable vote except for Mr. Holmes and Mr. Daley who abstained as they were not present at that meeting.

CORRESPONDENCE

The Board reviewed all correspondences including:

1. A July 11, 2006 correspondence from Building Official Thom Roy relative to truck traffic at the Seacoast Farms site, Map 5 Lot 035. Mr. Roy reported that Seacoast is now bringing in semi-processed materials, which is different than the approved site plan allows. Relative to the ongoing odor issue, Mr. Stilwell read an excerpt from the June 22, 2006 selectmen's minutes directing Heidi Carlson to contact the Town Attorney with a request to move forward with a course of action against Seacoast Farms for nuisance. The

Board viewed a draft of a Petition for to Superior Court for "Temporary and Permanent Injunctive and Other Relief".

2. An excerpt from the June 22, 2006 Selectmen's meeting minutes relating that CTAP funds of \$10,000.00

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had been offered to Fremont for planning purposes. This can possibly be used for furthering the impact fee study. Acceptance of these funds will require a hearing pursuant to NHRSA 31:95-b to accept and expend grant/gift monies.

3. Notice from NHDES of a July 25, 2006 seminar on private well testing.

Mr. Karzc made the motion to adjourn at 9:55 P.M.

Motion seconded by Mr. Daley with unanimous favorable vote.

Respectfully submitted,
Meredith Bolduc, Secretary